

REMARKS

Reconsideration and allowance of the present patent application based on the following remarks are respectfully requested.

By this Amendment, claims 1, 14 and 20 are amended. Support for the amendments can be found throughout the original disclosure. No new matter has been added. Accordingly, after entry of this Amendment, claims 1-23 will remain pending in the patent application.

Entry of the Amendment is proper under 37 C.F.R. §1.116 as the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not present any new issues that would require further consideration and/or search as the amendments merely amplify issues discussed throughout the prosecution; (c) do not present any additional claims without canceling a corresponding number of claims; and (d) place the application in better form for appeal, should an appeal be necessary. Entry of the Amendment is thus respectfully requested.

Claim Rejection – 35 USC 102

Claims 1-20 were rejected under 35 U.S.C. §102(a) based on the SCAMPI Prototype Implementation Report D2.2 published on November 16, 2003 (hereinafter D22). Applicant respectfully traverses this rejection for at least the following reasons.

Claim 1 is amended to recite, *inter alia*, “replicating said data on board a network analyser card to produce at least two new replica editions of one or more frames of the received data; and writing said at least two new replica editions of the received data to an area of memory in a host that is directly accessible by a host application.”

Claim 14 is amended to recite, *inter alia*, “data replication means for generating from the received data frames at least two new replica editions of one or more frames of the received data frames; and a descriptor adder configured and arranged to add a descriptor to substantially each of the data frames of each of the at least two new replica editions of the received data frames, the descriptor including data about the data frame to which it is attached for use in processing of the data frame.”

Claim 20 is amended to recite, *inter alia*, “a memory to receive at least two new replica editions of one or more frames of the received data from the network analyser card; and at least two processors for processing said at least two new replica editions of the received data.”

In response to arguments filed March 9, 2009, the Examiner contends that the SCAMPI document (D22) discloses at pages 54 to 55 copying data on board a network analyzer card. The examiner contends that the function of MAPI is the creation of a new sub-flow containing only packets of interest. The examiner contends that this is equivalent to replicating the data on board a network analyser card. The Examiner further contends that at least two editions of the data is generated in that a first data packet is copied producing one edition and then a second data packet is copied producing a second edition. The examiner states that the data packets are different and therefore the copies and editions are different from each other. Applicant respectfully disagrees with the Examiner's interpretation.

If a single data frame is received and the data frame is replicated once and then a second data frame is received and the second data frame is also replicated once, the result would be the creation of a single replicated edition of each of the data frames. Consequently, there has not been created at least two replicated editions of the data.

However, to expedite prosecution, claim is amended to require, amongst other features, replicating data on board a network analyzer card to produce at least two new replica editions of one or more frames of the received data. The language in claim 1 as amended excludes the situation envisaged by the Examiner in which a replica of one frame is considered to be one edition and a replica of a different frame is considered to be the second replica edition. Claim 1 requires that at least two new replica editions of one or more frames of the received data are produced.

Clearly D22 does not disclose, teach or suggest "replicating said data on board a network analyser card to produce at least two new replica editions of one or more frames of the received data," as recited in claim 1. A single edition may be arguably produced when a data packet is received and copied to a buffer. However, claim 1 as amended further requires replicating the data on board a network analyzer card to produce at least two new replica editions of one or more frames of the received data.

The Examiner seems to acknowledge, at the end of page 4 of the Office Action, that "each received packet is copied at least twice," distinguishes over D22. Therefore, by amending claim 1 to require that the data is copied (replicated) at least twice, Applicant differentiates further from D22.

Claim 1 as amended also requires that the at least two new replica editions of the received data are written to an area of memory in a host that is directly accessible by host application. This is neither disclosed nor suggested in D22. For example, this can provide benefits in that processing of applications, and in particular rules-based applications, can be accelerated. For example, a sub-set of the rules of an application can be applied to each of the copies of the data thereby enabling the entire set of rules to be applied to the data in a shorter time.

Therefore, Applicant respectfully submits that claim 1 is patentable over D22.

Claims 14 and 20 have been also amended to require "at least two new replica editions of one or more frames." Therefore, claims 14 and 20 are also patentable over D22 for at least the reasons provided above with respect to claim 1.

Claims 2-13 depend from claim 1. Claims 15-19 depend from claim 14. Therefore, claims 2-13 and 15-19 are patentable over D22 by virtue of their dependence on claim 1 or claim 14 and for the additional subject matter recited therein.

Therefore, it is respectfully requested that the rejection of claims 1-20 under 35 U.S.C. §102(a) over D22 be withdrawn.

Claims 21-23 were rejected under 35 U.S.C. §103(a) based on D22 in view of U.S. Pat. No. 4,837,735 to Allen *et al.* (hereinafter Allen). Applicant respectfully traverses this rejection for at least the following reasons.

Claims 21-23 depend from claim 20. Therefore, for at least the reasons provided above with respect to claim 20, Applicant respectfully submits that claims 21-23 are patentable over D22.

Allen fails to overcome the deficiencies noted above in D22. Allen was relied upon as allegedly teaching each processor is responsible for running through a unique set of rules. Allen does not disclose, teach or suggest the subject matter recited in claim 20. Consequently, neither D22 nor Allen, alone or in combination, disclose, teach or suggest the subject matter recited in claims 21-23.

Therefore, Applicant respectfully submits that claims 21-23 are patentable over the combination of D22 and Allen. Accordingly, reconsideration and withdrawal of the rejection of claims 21-23 under 35 U.S.C. §103(a) over the combination of D22 and Allen are respectfully requested.

CONCLUSION

Applicant has addressed the Examiner's rejections and respectfully submits that the application is in condition for allowance. A notice to that effect is earnestly solicited.

If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP



CHRISTOPHE F. LAIR

Reg. No. 54248

Tel. No. 703.770.7797

Fax No. 703.770.7901

JSB/CFL
P.O. Box 10500
McLean, VA 22102
(703) 770-7900